

**Newfields Planning Board Meeting
May 31, 2007**

Attendance: Bill Meserve, Mike Price, Michael Woodworth, Elliot Alexander and Town Planner Reuben Hull.

Chairman Bill Meserve called the workshop session to order at 7:00pm

Bernier Corporation-Map 104 Lots 21 & 22

Attorney Fran Lane and Attorney Robert Battles did meet prior to this meeting to discuss the status of the Bernier Corporation lots and try to come to some reasonable conclusions.

Attorney Lane's opinions were outlined in his letter dated May 16, 2007. It is his position that Mason Road and the Dixon Ave extension should revert to the abutting landowners under RSA 231:51. All abutters of the undeveloped paper streets would own title to the midpoint of the road. The Bernier lots would have rights to the midpoint of Mason Road and the Town would own to the midpoint of the end of Dixon Ave.

Mason Road is not a public way according to Attorney Lane. It is his opinion that the town vote taken back in 1967 to accept Dixon Ave and a 40 foot portion of Mason Road is not valid. The description of Mason Road and the end of Dixon Ave is very vague and Attorney Lane disputes the validity of the deed.

The area of the lots merged is approximately .83 acres which is less than the two acre zoning requirement. There is no frontage on a public way. Under RSA 674:41 you cannot build on a lot that does not have frontage on a road.

Attorney Battles disagrees with Attorney Lane about the road status. He believes the lots are non-conforming lots of record with frontage on the undeveloped Mason Road. In an effort to resolve the issue, he is willing to work with the Town. He would like to pursue building out Dixon Ave. as a street plat to gain access to his lots. A new plan will be presented with a turnaround design that does not infringe on any of the abutting property owners. He will utilize land owned by Bernier Corporation to create a new turnaround. When the necessary engineering and survey work is completed it will be forwarded to Reuben for review.

The applicant will be requesting a waiver from the road standards requirement.

The Board may grant a waiver on the turnaround requirements if they feel it has been safely designed and is an improvement to the existing conditions. They would like the design to be reviewed by Fran Lane prior to a waiver being granted. They would also like input from the Road Agent and Fire Department prior to making their decision.

A turnaround currently exists at the end of Dixon Ave and is used by trash trucks and snow plows. Bill Meserve would like the existing turnaround to be shown on the new design. New acreages will also need to be identified.

Attorney Battles agrees that he will need to go to the Zoning Board of Adjustment to obtain variances for frontage and lot size requirements.

Attorney Battles believes the lots are non-conforming lots of record. According to our definitions, a lot that has been deeded and recorded at the Registry of Deeds is a lot of record. If this is the case, non-conforming lots of record can be built on. Fran argues that they are not lots of record. He noted that the lots have been valued at 1,300 and taxed as non-buildable for several years.

Reuben explained to the Board that they need to rely on the information given to them to determine if this is a lot of record or not. If the Board votes that they are not, the applicant has two choices; he may go to the ZBA for a variance or to Superior Court. If the Board does nothing, it can be challenged in Superior Court and determined by the Judge.

The hearing will be continued until the next meeting on Thursday June 21, 2007.

Design Charrette

The Board discussed having a workshop for the rezoning of Route 108. Each homeowner and merchant along Route 108 will be contacted to attend the workshop prior to the public hearing for town residents. The Board is looking for stakeholders input to base their recommendations for the rezoning. The types of businesses to be allowed also need to be determined. The Planning Board would like to see some sort of mixed use development. A workshop meeting will be scheduled for July and then a public hearing on the changes in December.

The meeting adjourned at 8:45pm.

Respectfully submitted,

Sue McKinnon